IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 8420 of 2005(B)

PETITIONER:

JAMES JOSEPH S/O. JOSEPH,
RESIDING AT 'SAJANS', KAKKATTUCHIRA,
BANK LANE, KALOOR, KOCHI-17.

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENTS:

1. **UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF EXTERNAL AFFAIRS, NEW DELHI.**

2. **THE REGIONAL PASSPORT OFFICER, REGIONAL PASSPORT OFFICE, BYPASS ROAD, THENHIPALAM PO., KOZHIKODE 673 066.**

3. **ASHRAF ALANKANDY, ALAKANDY HOUSE, PUNNAKKAPPARA, AZHIKODE, KANNUR-09, EMPLOYED AT ESNAAD, P.B.NO.7202, ABU DHABI, U.A.E. AND HOLDER OF INDIAN PASSPORT NO.V. 282742.**

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG for R1&R2
SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR GENERAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.8420/2005 B

APPENDIX

PETITIONER'S EXHIBITS;

EXT.P1: **COPY OF THE COMPLAINT DTD. 12/04/2004 IN CC 960/2004 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT- II, ERNAKULAM.**

EXT.P2: **COPY OF WARRANT OF ARREST DTD. 9/03/2005 ISSUED AGAINST THE 3RD RESPONDENT IN CC 960/2004 BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT II, ERNAKULAM.**

EXT.P3: **COOPY OF WARRANT OF ARREST DTD. 9/03/2005 ISSUED AGAINST THE 3RD RESPONDENT IN CC 1344/2004 BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT I, ERNAKULAM.**

EXT.P4: **COPY OF REPRESENTATION DTD. 9/03/2005 FROM THE PETITIONER TO THE 2ND RESPONDENT.**

EXT.P5: **COPY OF INDIAN PASSPORT NO.V 282742 OF THE 3RD RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 8420 of 2005

Dated this the 23rd day of July , 2007

JUDGMENT

The petitioner is the complainant in C.C.No.960/2004 on the files of the Judicial First Class Magistrate Court-II, Ernakulam and in C.C. No.1344/2004 on the files of the Judicial First Class Magistrate Court-I, Ernakulam. The 3rd respondent is the accused in both these cases. Arrest warrants are pending against the 3rd accused in both these cases. Grievance of the petitioner is that though Ext.P4 application was submitted by him before the 2nd respondent – Regional Passport Officer under Section 10(e) & (h) of the Passports Act for impounding the passport, the 2nd respondent has not so far taken any action on Ext.P4.

2. Heard the counsel for the petitioner and the Assistant Solicitor General for the 2nd respondent.

3. I find that detailed statement has been filed by the 2nd respondent wherein it is stated that on receiving Ext.P4

immediate action has been initiated for impounding the passport issued to the 3rd respondent. The passport in question has been included in the impounding circular vide registration number 52 of 2005 of the Immigration Check Post authorities and it is also directed to seize the passport and forward the same to the office of the 2nd respondent when presented before them for any purpose.

Under the above circumstances, I do not think that this court would be justified in issuing any direction in respect of Ext.P4 to the 2nd respondent.

I record the statement and close the writ petition.

PIUS C. KURIAKOSE,
JUDGE.

dpk